

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Jerry and Sharon West,)	
Complainants,)	
)	
v.)	Case No. EC-2009-0193
)	
Union Electric Company, d/b/a)	
AmerenUE,)	
Respondent.)	

ANSWER

COMES NOW Union Electric Company d/b/a AmerenUE (AmerenUE or Company), and for its Answer to the Complaint filed in this proceeding, states as follows:

1. On November 14, 2008, Jerry and Sharon West of 7333 Weldon Spring Road, in Dardenne Prairie, Missouri (Complainants) initiated this proceeding by filing a Complaint against AmerenUE.

2. Any allegation not specifically admitted herein by the Company should be considered to be denied.

3. In paragraph 1 of the Complaint, Complainants allege that AmerenUE is located in St. Louis, Missouri, and that AmerenUE is a public utility under the jurisdiction and supervision of the Public Service Commission of the State of Missouri. AmerenUE admits the allegations contained in paragraph 1 of the Complaint.

4. In paragraph 2, Complainants set forth an explanation of why they desire two new homes to be served by Cuivre River Electric Cooperative, Inc. (Cuivre) rather than by AmerenUE. AmerenUE does not disagree with Complainants' factual recitation. The structures housing the kennel business on the property are currently and properly served by Cuivre. The now-demolished home on the property was also properly served

by Cuivre. However, it is AmerenUE's understanding that the existing house was demolished and two new homes were (or are in the process of being) constructed on the property. Complainants attached to their Complaint a drawing which shows the location of existing and new structures on the approximately six-acre property. AmerenUE has no independent knowledge of whether or not that drawing is correct. Finally, Complainants attached a copy of the Territorial Agreement which governs the provision of electric service to the property in question in this case. AmerenUE admits it is a correct copy of the Territorial Agreement.

5. AmerenUE offers a minor point of clarification to a statement made in the Complaint. AmerenUE will not be burying line to serve this property as is stated on page 2, line 13 of the Complaint. AmerenUE's line will cross the road overhead and Complainants will then install a conduit to the Company's pole.

6. AmerenUE disagrees with the statements on the same page that having two different electric service providers presents a safety concern. It is not a common occurrence, but AmerenUE does have other customers who are served by both Cuivre and AmerenUE. The Company does not believe this presents a risk of confusion, especially given that the kennel business will be served by one provider and the homes will be served by another.

7. The provision of electric service at this property is governed by a Territorial Agreement which states that AmerenUE is to serve any new structures on the property. Cuivre appears to agree with AmerenUE's interpretation of the Territorial Agreement, as can be determined by the e-mail from Keith Stone of Cuivre (attached to the Complaint).

8. AmerenUE desires to act in accordance with the terms of the Territorial Agreement, which requires it to provide service to the two new structures on the property.

Dismissal of Complaint

9. Complainants do not allege that AmerenUE has acted in violation of any statute, regulation, order or decision. Nor do Complainants allege that AmerenUE has acted in violation of its own tariffs.

10. Commission regulations allow a customer to file a formal complaint when there is an allegation of a violation of a statute, rule, order or decision. 4 CSR 240-2.070(1). No such allegation is made in the Complaint.

11. Commission regulations provide for dismissal of a complaint when it fails to state a claim upon which relief may be granted. 4 CSR 240-2.070(6). AmerenUE asks that the Commission exercise its authority and dismiss this Complaint for failure to state a claim upon which relief may be granted or, alternatively, convert this Complaint into a request for a change in electric provider.

Change in Electric Provider

12. The Commission has specific regulations governing requests for a change in electric provider, found at 4 CSR 240-3.140. The Commission even provides a generic form to be used in requests for a change in electric provider. Complainants did not file a request for a change in electric provider, instead, filing their request as a Complaint.

13. Even if this petition were properly filed as a request for a change in electric provider, it should not be granted by the Commission. Although the Commission has the authority to grant a change of provider request from an electric utility to an electric cooperative under certain circumstances, Section 393.106 RSMo. 2000 only

authorizes that change if both the electric utility and the electric cooperative have a concomitant right to serve a particular area.

14. A concomitant right to serve does not exist in this case. AmerenUE has the sole right to serve new structures at this location under the Territorial Agreement. The Company has not entered into any agreement with Cuivre which would provide the cooperative with any right beyond that set forth in the Territorial Agreement to serve Complainants' new structures.

15. AmerenUE believes this Complaint should properly be dismissed. However, in order to facilitate a decision on this Complaint, AmerenUE suggests that the parties be given time to attempt to develop a stipulation of facts and then additional time to file briefs on the legal argument(s) prior to considering whether an evidentiary hearing is necessary for this case.

WHEREFORE, AmerenUE respectfully requests that the Commission issue an order dismissing this Complaint or, in the alternative, that it order the parties to work to develop a Joint Stipulation of Facts to aid the Commission in reaching a decision in this case prior to determining whether or not an evidentiary hearing is necessary.

Respectfully submitted,

UNION ELECTRIC COMPANY,
d/b/a AmerenUE

By: /s/ Wendy K. Tatro
Steven R. Sullivan, # 33102
Sr. Vice President, General
Counsel and Secretary

Wendy K. Tatro, # 60261
Associate General Counsel
Ameren Services Company
P.O. Box 66149
St. Louis, MO 63166-6149
(314) 554-3484 (phone)
(314) 554-4014 (fax)
ssullivan@ameren.com
wtatro@ameren.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Answer was served on the following parties via electronic mail (e-mail) or via regular mail on this 19th day of December, 2008.

General Counsel Office
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
GenCounsel@psc.mo.gov

Jerry and Sharon West
7333 Weldon Spring Road
Dardenne Prairie, MO 63368

Lewis Mills
Office Of Public Counsel
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opcservice@ded.mo.gov

/s/ Wendy K. Tatro

Wendy K. Tatro